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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

12 DEBORAH J. THOMAS,  
13 Plaintiff,

14 vs.

15 THE WALT DISNEY COMPANY,  
16 WALT DISNEY STUDIOS, DISNEY  
17 PRESS, PIXAR ANIMATION  
18 STUDIOS, WALT DISNEY FEATURE  
19 ANIMATION, WALT DISNEY  
20 PICTURES, DISNEY ENTERPRISES,  
21 INC. and DOES 1 through 100,  
22 Inclusive,

23 Defendants.

No. CV 07-04392 CW

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO MOTION TO  
DISMISS**

Date: January 31, 2008  
Time: 2:00 p.m.  
Department: #2  
Judge: Hon Claudia Wilken

24 Pursuant to Federal Rules of Evidence 201, Plaintiff Deborah Thomas respectfully  
25 requests the Court to take judicial notice of the following facts:

26 1) According to Lee Unkrich, the co-director of the movie, in the original  
27 script Nemo was happy to be in the tank and did not want to go home. The original story  
28 did not focus on Nemo wanting to escape from the tank. This is reported in an interview  
with Mr. Unkrich. *See* Declaration of Deborah Thomas, Exhibit E. The Court can take  
judicial notice of the existence of this web site article. *See Caldwell v. Caldwell*, 420  
F.Supp.2d 1102, 1105, n.3 (N.D. Cal. 2006).

2) The contents of Defendants' copyright deposit of artwork for "Finding Nemo." Various artwork refers to Gill and Nemo as "King for the day" and "King of the Tank." See Decl. of Thomas, Exhibit F. A Court can take Judicial Notice of a party's copyright registration. See *Idema v. Dreamworks, Inc.*, 90 Fed. Appox. 496, 498 (9th Cir. 2003).

3) There is "Finding Nemo" merchandise and video games displaying Nemo or other characters as "King of the tank." (See Decl. of Thomas, Exhs. G, H). The Court can take Judicial Notice of the existence of these web pages. *See Caldwell supra*.

4) Initially the movie, "Finding Nemo" was a fairly dark film until a decision was made to radically lighten the movie up. This is discussed in an article on Defendants' own web site. *See* Decl. of Thomas, Exh. D (discussing that actor William H. Macy was originally the voice of Marlin when "Finding Nemo" was "still a fairly dark film."). The existence of Defendants' own website is judicially noticeable. *See Caldwell supra*.

Dated: January 10, 2008

ROBINSON & WOOD, INC.

By       /s/        
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